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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,444	07/12/2004	Robert M. Schmidt	04925 (LC 0160 PUS)	4443
36014	7590	04/19/2006	EXAMINER	
JOHN A. ARTZ ARTZ & ARTZ, P.C. 28333 TELEGRAPH ROAD, SUITE 250 SOUTHFIELD, MI 48034			SCHRODE, WILLIAM THOMAS	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/710,444	SCHMIDT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William Schrode	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 5, 11, 15 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10, 12-14 and 16-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 1, 2, 3, 9, 12, 13, 16, 17 and 18 generic to the following disclosed patentably distinct species: Species I (Fig. 1-3 and 6), species II (Fig. 1-3 and 7), species III (Fig. 1, 4-6), species IV (Fig. 1, 4-5 and 7). The species are independent or distinct because each species has a distinct operation controlled by different mechanisms. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

During a telephone conversation with Vincent Ilagan on 4/11/2006 a provisional election was made without traverse to prosecute the invention of species III (Fig. 1, 4, 5 and 6), claims 1-4, 8-10, 12-14 and 16-19. Affirmation of this election must be made by applicant in replying to this Office action. Claims 5-7, 11, 15 and 20 are withdrawn from

further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the viscous fluid must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: The specification refers to a viscous dampening mechanism but in the figures the dampening mechanism appears to be a gear dampening mechanism. One skilled in the art would not consider a gear to be considered a viscous fluid.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to claims 12 and 16, the applicant claims that the drive mechanism is coupled to the switch device. The examiner is unclear how the drive mechanism is coupled to the switch because the elements do not make a pair. For examining purposes the examiner will examine the claims as "best understood" to mean engaging, until further notification.

### ***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8-9, 12-13 and 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Geil et al (6,181,024) in view Lambert (6,227,581). In regard to claim 1, 12 and 16, as "best understood" Geil teaches a mechanical door handle switch assembly integrated within a door of a vehicle and utilized for actuating a vehicle-based system, comprising: a controller (4); a vehicle-based transceiver (3) coupled to said controller; a portable transponder (6) carried by a user and utilized for communicating with said vehicle based transponder; a switch device (2) coupled to one of said controller and said vehicle-based transceiver, said switch device for actuating said vehicle-based transceiver to transmit a challenge signal to said portable transponder; a door handle (1) coupled to the door for actuation by a user; said door handle being movable within a predetermined distance (B-A) including a switch-triggering distance and an unlatching distance (A-C) that is greater than and inclusive of said switch-triggering distance, said switch-triggering distance for triggering said switch device and actuating said controller for determining whether said user is authorized to enter the vehicle, said unlatching distance for providing access to the vehicle; a locking mechanism (5) coupled to and actuated by said controller, said locking mechanism for unlocking said door when said controller determines that said user is an authorized entity and before said door handle has moved by said unlatching distance. and a

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damping mechanism (column 2, Lines 4-6) coupled to one of said door handle and said drive train mechanism for slowing movement of one of said door handle and said drive train mechanism.

Geil fails to teach a drive train mechanism coupled to said switch device for closing said switch device.

Lambert shows that it is known in the art to couple a drive mechanism (As shown in Fig. 5B and 5C) to a handle (4) and a switch (21), wherein the drive mechanism is actuated by the handle for closing the switch. It would have been obvious to one with ordinary skill in the art the time of the invention to combine Geil's handle with an drive mechanism as taught by Lambert, since such a modification allows the handle to assert sufficient force on the switch.

In regard to claim 2, Geil in view of Lambert, Geil teaches the mechanical door handle switch assembly wherein said door handle is movable within a predetermined travel distance, said door handle actuating said drive train mechanism and closing said switch device when said door handle is moved a substantially small portion of said predetermined travel distance.

In regard to claims 3, Geil in view of Lambert, Geil teaches the mechanical door handle switch assembly wherein said door handle is movable within a predetermined travel distance, said predetermined travel distance including a switch-triggering distance (A-C) and an unlatching distance that is greater than and inclusive of said switch-triggering distance (B-A), said door handle being moved by said switch-triggering



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distance for actuating said switch device, said door handle being moved by said unlatching distance for unlatching the door.

In regard to claims 4, Geil in view of Lambert, Geil teaches the mechanical door handle switch assembly wherein said door handle has a pull configuration for unlatching the door.

In regard to claims 8 and 18, Geil in view of Lambert, Lambert teaches the mechanical door handle switch assembly wherein said drive train mechanism is at least one of a gear mechanism, a cam mechanism, and a lever mechanism.

In regard to claims 9, Geil in view of Lambert, Geil teaches the mechanical door handle switch assembly wherein said switch device position is biased to an open.

In regard to claim 12, Geil in view of Lambert, Geil teaches the mechanical door handle switch assembly wherein said switch-triggering distance is substantially less than said unlatching distance.

In regard to claim 17, Geil in view of Lambert, Geil teaches the mechanical door handle switch assembly wherein said door handle coupled to the door for actuation by a user, said door a predetermined distance handle being movable within including a switch-triggering distance (B-C) and an unlatching distance that is greater than and inclusive of said switch-triggering distance (B-A), said switch-triggering distance for triggering said switch device and said unlatching distance for providing access to the vehicle.

Claims 10, 14 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geil in view of Lambert as applied to claims 1, 12, 16 above, and further in view of



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Champ (2004/0256776). In regard to claim 10, 14 and 19, Geil in view of Lambert teach the claimed mechanical door handle switch assembly but fail to teach the dampening mechanism is a gas compression device.

Champ shows that it is known in the art to use a gas compression device as a dampening device. It would have been obvious to one with ordinary skill in the art at the time of the invention to use as a gas compression device for Geil's dampening device as taught by Champ, since such a modification provides a means to decrease the force applied to the handle and increases the handle durability.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Champ, Geil et al, Lambert, Yukio Misaka et al, Montone et al, Nishiyama, and Baukholt.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Schrode whose telephone number is (571)272-1647. The examiner can normally be reached on Mon-Fri 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WS  
04/13/2006



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